

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA
THIRD DIVISION**

In re:

ROBERT CHRISTOPHER JAMES SOMERS,

Debtor.

Bky. Case No. 04-33431-DDO

Chapter 7 Case

HEATHER LAURA DEJARNETT,

Plaintiff,

Adv. Proc. No. 04-_____

vs.

ROBERT CHRISTOPHER JAMES SOMERS,

Debtor.

COMPLAINT TO DETERMINE NONDISCHARGEABILITY UNDER § 523

PLAINTIFF, FOR HER COMPLAINT AGAINST THE DEBTOR, ROBERT CHRISTOPHER JAMES SOMERS, STATES AND ALLEGES:

NATURE OF ACTION

1. This adversary proceeding is brought pursuant to Bankruptcy Rules 4007 and 7001, and 11 U.S.C. §§ 523. Plaintiff seeks an order of the Court (i) determining that the Debtor's debt to Plaintiff is nondischargeable, and (ii) for judgment against the Debtor in the amount of the Debtor's debt to Plaintiff, together with interest and costs of collection, including attorneys' fees.

JURISDICTION AND VENUE

2. On June 10, 2004, the Debtor filed a petition commencing a case under Chapter 7 of Title 11 of the United States Code, 11 U.S.C. § 101, *et seq.* That case is pending before this Court. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 1334(b). This is a core proceeding under 28 U.S.C. § 157(b)(2)(I). Venue in this Court is proper pursuant to 28 U.S.C. § 1409.

PARTIES

3. Heather Laura DeJarnett (hereinafter “Plaintiff”) is an individual residing in Washington County, Minnesota, and is the former spouse of the Debtor. Plaintiff and Debtor’s matrimonial bonds were dissolved by the Crow Wing County District Court on March 8, 2004. Plaintiff and the Debtor were married on August 10, 2002, and have one child together from their marriage. The parties have been living apart since April of 2003.

BACKGROUND INFORMATION

4. A final Order and Decree (including the Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree) was entered in the divorce proceeding on March 8, 2004, by the Crow Wing County District Court (the “Order and Decree”). A true and correct copy of the March 8, 2004, Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree is attached as Exhibit A.

5. The Plaintiff and the Debtor have one child named, Joshua, who was born on December 3, 2002.

6. The Plaintiff is a registered nurse and is presently in her second year of midwifery program and plans on receiving her master’s degree. She is currently employed on a casual basis as a registered nurse at a St. Paul area hospital to supplement her income

consistent with continuing her studies. She expects to graduate in the spring of 2005. The Plaintiff earns a gross income of approximately \$480 per month through this employment.

7. The Plaintiff resides with Joshua and also with her older child, Joseph, who was born on December 28, 1990. Joseph is not the Debtor's child. The Plaintiff presently receives \$313.00 a month from Social Security for Joseph, together with approximately \$1,600.00 per month, which is voluntarily contributed for Joseph's support by his great-grandparents. Plaintiff is presently receiving \$398.00 per month for child support payments, which includes \$74 per month toward day care expenses, from the Debtor. Plaintiff is also using her student loans to supplement her income.

8. The Debtor has received a Bachelor of Science degree and is a licensed commercial pilot. The Debtor previously was employed by Sun Country Airlines as a commercial pilot and was furloughed in December 2001, due to financial problems in the airline industry. It is his hope that he will be recalled as a pilot for Sun Country. In the Event he is recalled, he would expect to receive a salary in the approximate amount of \$53,000.00 to \$63,000.00 per year.

DEBTOR'S PROMISES UNDER THE ORDER AND DECREE

9. At the time the Order and Decree were entered, Debtor was employed as a truck driver by Hartwig Transit, Inc., and received a gross wage of \$16.27 per hour and worked 23 hours per week, for a gross weekly wage of approximately \$374.21 or a gross monthly wage of approximately \$1,621.58.

10. The Crow Wing County District Court Judge found that the Debtor was able to obtain full-time employment within six-months from March 8, 2004, the date of the final Order and Decree). The Debtor has failed to do so.

11. Pursuant to the Order and Decree, the Crow Wing County District Court Judge found that the Debtor expressly recognized that he has earned a greater level of income in the past and is fully capable of working full-time in the future in order to increase his income. Further, the District Court found that the Debtor's employment with Hartwig Transit, Inc. was meant to be of short duration, and provide the Debtor flexibility in the event he is recalled by Sun Country Airlines.

DEBTOR'S CURRENT INCOME

12. Despite having nearly six (6) months following the entry of the Order and Decree, the Debtor has not increased his level of income, nor has he found full-time work in an effort to increase his level of income.

13. That on June 10, 2004, the Debtor filed in the bankruptcy case Schedules I and J, and a Statement of Financial Affairs sworn to under penalty of perjury, copies of which are attached as Exhibit B.

14. That the Debtor reports on his Schedule I that he has a gross monthly income of \$1,613.21, which is nearly identical to the rate of \$1,621.58 gross income per month that was found by the Crow Wing County District Court in its Order and Decree on March 8, 2004.

15. Despite having the ability to work longer hours and secure higher paying jobs, Debtor has continued to work at a minimum level sufficient only to support himself.

MONTHLY OBLIGATIONS

16. The Plaintiff's reasonable monthly expenses for herself and her two children are approximately \$3,500.00 per month. Included in Plaintiff's monthly expenses, Plaintiff spends approximately \$971.80 per week for child care expenses, and \$700.00 per month for loan obligations.

17. According to the Order and Decree the Debtor's monthly expenses for himself is approximately \$1,678.00, exclusive of child support and credit card payments. The Debtor lived with his mother at the time the Crow Wing County District Court entered the Order and Decree.

SUMMARY OF DEBTOR'S INDEBTEDNESS TO PLAINTIFF

18. The Order and Decree issued by the Crow Wing County District Court awarded Plaintiff the following indebtedness from the Debtor:

(a) A judgment in the amount of \$41,354.29 (**non-marital property settlement**) representing the remaining balance of a loan from the Plaintiff's non-marital property to Debtor prior to marriage. *See* Exhibit A, page 16,

(b) A judgment in the aggregate amount of \$1,923.00 (**marital property settlement**) representing (1) one-half interest of the parties' 2002 tax refund (\$873.00), and (2) one-half interest of the parties' supplemental child tax credit for Joshua (\$1,050.00), which amounts were retained by the Debtor.

CAUSE OF ACTION

11 U.S.C. § 523(a)(15)

Non-Marital Property Settlement

19. Plaintiff realleges paragraphs 1 through 16 of this Complaint.

20. That the \$41,354.29 **non-marital property settlement** is a debt incurred by the Debtor in the course of a divorce memorialized in a final Order and Decree.

21. That the Debtor, at all times material herein, has had the means, ability, income, and property with which to pay the \$41,354.29 payment to Plaintiff.

22. That in the alternative, the Debtor has the means and ability to make full payment of said sum on a regular installment payment over an extended period of time from

Debtor's income or from property of the Debtor which Debtor has exempted or excluded from the bankruptcy estate.

23. That a discharge of the \$41,354.29 cash payment would render a substantial detriment to the Plaintiff, would constitute irreparable harm and an extreme and substantial detriment to the Plaintiff and to the parties' child, Joshua. Moreover, Debtor would receive an unconscionable benefit if this indebtedness were to be discharged.

Marital Property Settlement

24. Plaintiff realleges paragraphs 1 through 21 of this Complaint.

25. That the \$1923.00 **property settlement** is a debt incurred by the Debtor in the course of a divorce memorialized in a final Order and Decree.

26. That the Debtor, at all times material herein, has had the means, ability, income, and property with which to pay the \$1923.00 payment to Plaintiff.

27. That in the alternative, the Debtor has the means and ability to make full payment of said sum on a regular installment payment over an extended period of time from Debtor's income or from property of the Debtor which Debtor has exempted or excluded from the bankruptcy estate.

28. That a discharge of the \$1923.00 cash payment would render a substantial detriment to the Plaintiff, would constitute irreparable harm and an extreme and substantial detriment to the Plaintiff and to the parties' child, Joshua. Moreover, Debtor would receive an unconscionable benefit if this indebtedness were to be discharged.

WHEREFORE, Plaintiff requests judgment as follows:

1. That a money judgment in favor of Plaintiff and against Debtor Robert Christopher James Somers be entered in the amount of \$43,277.29;
2. That the debt owed to Heather Laura DeJarnett be deemed non-dischargeable within the scope and purview of 11 U.S.C. § 523(a)(15) in the amount of \$43,277.29, and be excepted from the Defendant's discharge;
3. That the Court grant such other and further relief as the Court may deem just and proper.

Dated: September 7, 2004

GRAY, PLANT, MOOTY,
MOOTY & BENNETT, P.A.

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**ATTORNEYS FOR
HEATHER LAURA DEJARNETT**

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STATE OF MINNESOTA
COUNTY OF CROW WING

FILED
MAR 08 2004

DISTRICT COURT
NINTH JUDICIAL DISTRICT

WILLIAM W. FISKE
COURT ADMINISTRATION
CROW WING COUNTY

In Re the Marriage of:

Heather Laura Somers,

Petitioner,

and

Robert Christopher James Somers,

Respondent.

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER FOR JUDGMENT AND
JUDGMENT AND DECREE

Court File No. F9-03-1067

The above-entitled proceeding came on for trial before the Honorable Richard A. Zimmerman, Judge of the above-named court, on the 21st, 22nd and 23rd days of January, 2004, at the Crow Wing County Courthouse, Brainerd, Minnesota. The Petitioner appeared personally and represented by counsel, Virginia J. Knudson. The Respondent appeared personally and represented by counsel, Richard A. Ohlsen. At the conclusion of the trial, counsel for the parties were instructed to submit written arguments, which arguments were filed with the Court on February 9, 2004. The Court took the matter under advisement at that time.

After hearing all of the evidence adduced at trial, and being fully advised in the premises, and upon all the files, records and proceedings herein, the Court makes the following:

1. The true and correct names and addresses of the parties are as

follows: The true and correct name of the Petitioner is Heather Laura Somers, and her address is 3105 D Juniper Lane, Woodbury, Minnesota 55125. The true and correct name of the Respondent is Robert Christopher James Somers, and his address is 16905 Florin Avenue, Farmington, Minnesota 55024

2. The Confidential Information Form has been submitted pursuant to Minn. Gen. R. Prac. 313.01.

3. The Petitioner is represented in these proceedings by Virginia J. Knudson, Attorney at Law, 302 South Sixth Street, P.O. Box 411, Brainerd, Minnesota 56401. The Respondent is represented in these proceedings by Richard A. Ohlsen, Attorney at Law, 417 Laurel Street, P.O. Box 366, Brainerd, Minnesota 56401.

4. The Petitioner and the Respondent are both persons who have attained the age of majority. The Petitioner is 30 years of age, and her date of birth is September 14, 1973. The Respondent is 34 years of age, and his date of birth is November 10, 1969.

5. The Petitioner and the Respondent were married on August 10, 2002, in the City of Pine River, County of Cass, State of Minnesota, and ever since said date have been and now are husband and wife.

6. Both parties have resided within the State of Minnesota for more than 180 days prior to the commencement of this proceeding.

7. No separate proceeding for dissolution, legal separation, or custody is pending in a court within this state or elsewhere.

8. There has been an irretrievable breakdown of the marriage

relationship of the parties hereto pursuant to Minn. Stat. 518.06, as amended.

The parties have been separated and have been living apart since April, 2003.

9. Neither party is or has been in the military service of the United States at any time relevant to this proceeding.

10. There is one minor child of said marriage; namely, Joshua David Arnold Somers, born December 3, 2002. The Petitioner is not now pregnant.

11. The Petitioner is a registered nurse and is presently in her second year of a midwifery program and plans on receiving her master's degree. She is currently unemployed, but expects to be employed on a casual basis as needed to supplement her income consistent with continuing her studies. She expects to graduate in the spring of 2005. Based on the Petitioner's earning history, she will be able to earn approximately \$15,000 per year while working on a casual basis.

12. The Petitioner presently resides in her mother's homestead with Joshua and also with her child, Joseph, born December 28, 1990. She presently receives \$313.00 a month social security for Joseph, together with approximately \$1,600.00 per month, which is voluntarily contributed for Joseph's support by his great-grandparents. She is presently receiving \$327.00 per month child support from the Respondent. She is also using student loans to supplement her income.

13. The Respondent has received a Bachelor of Science degree and is a licensed commercial pilot. The Respondent previously was employed by

Sun Country Airlines as a commercial pilot and was furloughed in December 2001, due to financial problems in the airline industry. It is his hope that he will be recalled as a pilot for Sun Country. In the event he is recalled, he would expect to receive a salary in the approximate amount of \$53,000.00 to \$63,000.00 per year. He has continued to apply for various airline jobs, but has not located suitable employment. He is presently employed as a truck driver by Hartwig Transit, Inc., and receives a gross wage of \$16.27 per hour and works 23 hours per week, for a gross weekly wage of approximately \$374.21. He currently pays union dues in the amount of \$33.00 per month. The Respondent plans on obtaining employment that provides a greater income. At the present time he anticipates returning to Sun Country Airlines, and the truck driving job allows him to maintain flexibility to return to the Sun Country Airlines job. He also pays union dues in the approximate amount of \$33.00 per month. He does not have health insurance or life insurance as benefits of his employment. Fulltime employment is not available at this time with Hartwig Transit, Inc., however, he would accept fulltime employment if offered. The Respondent has earned greater sums in the past and is capable of working fulltime, however, his present employment is expected to be of short duration and the Respondent is not intentionally limiting his income or working less hours as a means of reducing the child support obligation. The Respondent has looked for fulltime employment. His search for employment has also been hampered by the uncertainty of the outcome of this proceeding. It is expected by the Court that he will be in a

position to obtain full-time employment within six months from the date of entry of the Judgment herein.

14. The Petitioner's reasonable monthly expenses for herself and two children are in the approximate of \$1,981.00 per month. Said amount includes child care expenses for the minor child of the parties in the approximate amount of \$56.00 per week. Said amount is incurred by the Petitioner in order to keep a spot open for child care upon her return to the labor market and to continue her education. The Petitioner also has loan payment obligations in the approximate amount of \$700.00 per month.

15. The Respondent resides at the homestead of his mother and has reasonable monthly expenses in the approximate amount of \$1,678.00, exclusive of child support and credit card payments.

16. Neither of the parties has asserted a claim for spousal maintenance. Both parties are able-bodied and capable of self-support.

17. The parties do not own any real estate.

18. In July of 2001, prior to the marriage of the parties, the Petitioner purchased real estate located in Crow Wing County, Minnesota. The Crow Wing County real estate was used as the home of the parties. The Petitioner had owned a home in Eagan, Minnesota, which was sold on July 26, 2001. She received the amount of \$92,824.89 of equity from the sale. These funds were totally non-marital property of the Petitioner. The Petitioner used \$56,501.32 of those funds towards the purchase of the real estate located in Crow Wing County, Minnesota. In January of 2003, after the marriage of the

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parties, the Crow Wing County real estate was re-financed and an additional debt of \$26,290.00 was placed against the Crow Wing County real estate. At that time the parties placed the Respondent's name on the title to the Crow Wing County real estate. The Petitioner retained approximately \$12,000.00 of the re-financing proceeds after the parties separated. The Crow Wing County real estate was sold after the commencement of this action. The sale closed on September 5, 2003. The net equity remaining on the Crow Wing County real estate was in the amount of \$41,385.97. The amount was placed in an escrow account pending further order of the Court. The total proceeds remaining in the trust account at Borden, Steinbauer & Krueger, P.A. is the non-marital property of the Petitioner. The Respondent has admitted that the Petitioner has a non-marital investment in the Crow Wing County real estate in the amount of \$58,664.32.

19. The Respondent failed to respond to the Petitioner's request for admissions, which were served on December 2, 2003. The Respondent admitted that in July 2001, the Petitioner loaned the Respondent the sum of \$41,354.29. Said funds were paid from the Petitioner's separate funds prior to the marriage and were used to pay the Respondent's credit card debts and pay off his Mitsubishi car loan. There is no written documentation regarding any repayment terms, however, the parties verbally agreed that the Respondent would pay the Petitioner said amounts in the event that they separated, or in the event of a marriage dissolution. The loan and repayment agreement was completed prior to the marriage of the parties.

20. During the marriage, the Respondent received \$400.00 from the proceeds of the sale of hay and used said amount for payment of living expenses. The Respondent also retained the parties' 2002 tax refund and child tax credit for Joshua and all of the Petitioner's tax credit for Joseph. The tax refund is in the amount of \$1,746.00, and he retained the supplemental child tax credit of \$700.00 each for Joshua and Joseph.

21. The parties have made a practical division of their items of personal property. The Petitioner desires that the Respondent return her grandmother's silver serving platters.

22. The parties are the owners of three motor vehicles. The Petitioner is the owner of a 2000 Jeep Grand Cherokee and a 1997 Jeep Grand Cherokee, which are her items of non-marital property. The Respondent is the owner of a 2000 Mitsubishi Gallant, which is his non-marital property.

23. The Petitioner requests the full use and restoration of her name as Heather Laura DeJarnett. The request for a name change is not made for any fraudulent purpose, to avoid creditors, or to obtain a bankruptcy to which she is not entitled, or to avoid criminal prosecution.

24. The Petitioner is the owner of a 401K retirement from her employment with St. Joseph's Medical Center, with a vested value as of June 30, 2003, in the amount of \$131.92. She is also the owner of a matched savings plan through her employment with Children's Hospital & Clinics, with a balance in the amount of \$1,181.50 as of March 31, 2003. The Petitioner is also the owner of a Roth IRA with Horace Mann in the amount of \$5,146.00 as of June 30, 2003.

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The Respondent is the owner of an IRA with Fidelity Investment in the approximate amount of \$12,420.31 as of June 30, 2003. The parties have agreed that each of the parties shall retain their present investment retirement accounts free from any claim of the other.

25. It is the testimony of the Guardian ad litem, Jeanne Anderson, and the Custody Evaluator, Maureen McAllister, that the parties should be granted joint legal custody of their minor child, with physical custody with the Petitioner.

26. The Petitioner desires that the parties be granted joint legal custody of their minor child and that she be granted sole physical custody. The Respondent desires that he be granted joint legal and joint physical custody of the minor child. The child is not of sufficient age to express a custodial preference.

27. The Petitioner has been the primary caretaker of the minor child. Prior to the separation of the parties, the Petitioner performed approximately 70 percent of the caretaking duties and the Respondent performed approximately 30 percent of the caretaking duties. The minor child has spent almost every overnight with the Petitioner. Each of the parties has the skills to meet the child's current needs.

28. Both of the parties have an intimate and close relationship with the minor child. As a result of the terms of the previous temporary orders the child has spent more time with the Petitioner than the Respondent. He is happy and comfortable with both of his parents.

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29. Both of the parties have established a good relationship with the minor child. Both of their families are also concerned about his welfare and involved in the child's care. Joshua appears to have developed a good relationship with his brother Joseph.

30. The minor child is comfortable in each of the parties' home. The Petitioner has made appropriate day care arrangements for the minor child. The Respondent cherishes the amount of time that he spends with his child and spends the time appropriately with him.

31. Both of the parties reside with their parents in good neighborhoods. Both of the parties' living situations appear to be of a temporary arrangement until the marriage dissolution is completed and until employment and educational goals are attained or resolved. Both of the parties plan to relocate to a separate home and are properly planning for the futures. Both of the parties are in good mental and physical health and have the capacity and disposition to give their child love, affection, and guidance. The parties' most compelling fault is their mutual inability to communicate with or deal with the other party. The parties' relationship has caused each of them to suffer emotionally. The minor child is now in good health, although he recently underwent successful heart surgery. The parties were even unable to agree on contact with the child regarding the surgery, and needed court intervention to decide issues regarding the surgery. The Petitioner has suffered from emotional problems in the past and has sought appropriate treatment. The Respondent does not suffer from any psychological disability that prevents him from being a

good parent. The Respondent does exhibit perfectionistic and controlling behavior that has created problems in his relationships with the Petitioner. He has been unable to recognize that his controlling behaviors have contributed to the inability of the parties to communicate.

32. Both of the parties are Caucasian and share similar backgrounds and are both of the Christian faith.

33. Domestic abuse has occurred between the parties. Both of the parties have struck the other during the course of their relationship. The Respondent's actions in response to the Petitioner's actions have occasionally been severe. Both of the parties have problems in dealing with frustrations, especially dealing with each other. The Respondent has punched, kicked and slapped the Petitioner.

34. The parties are totally unable to cooperate in the rearing of the child. The parties are suspicious of the other's intentions. During the course of this action they have continually argued about parenting time and virtually all decisions regarding the minor child.

35. Despite receiving suggestions from the mediators and the Guardian ad litem, the parties have not found any appropriate methods for resolving their disputes. Both of the parties' actions contribute to their failure to communicate.

36. It would not be detrimental for the child if the Petitioner was granted sole physical custody. The Petitioner desires that the Respondent have regular contact with the minor child and fully participate in the upbringing of the

child, however, the parties are totally incapable of communicating with each other regarding the child's upbringing. A joint custody arrangement would likely involve continual disputes between the parties and would place the child in a disruptive environment.

37. That it is in the best interests of the minor child that the parties have joint legal custody and that the Petitioner be granted sole physical custody of their minor child, subject to liberal and reasonable parenting time as detailed in the Conclusions of Law herein. A supervised exchange site has been recommended by the Guardian ad litem and is necessary to insure successful exchanges of the minor child.

38. Both of the parties have incurred attorney's fees and costs and disbursements in this action.

Based upon the foregoing Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

1. The bonds of matrimony existing between the parties are hereby dissolved.
2. The parties are granted the joint legal custody of their minor child; namely, Joshua David Arnold Somers, born December 2, 2002. The Petitioner shall be granted sole physical custody of the minor child, subject to reasonable parenting time with the Respondent. An award of joint physical custody is not appropriate as the Petitioner has been the primary caretaker of the child, domestic abuse has occurred between the parties, and the parties are

totally unable to cooperate and communicate regarding the best interests of their child. It is in the best interests of the minor child that he receive parenting time generally consistent with the recommendations of the Guardian ad litem. The Respondent shall be granted reasonable parenting time, as follows:

- a. Every Monday and Wednesday, from 8:30 a.m. until 4:30 p.m. Every other Saturday, from 11:00 a.m. to 8:00 o'clock p.m. The exchanges for the parenting time shall be at the St. Paul Child Safety center until the parties locate a centrally located child safety exchange center or other supervised facility is agreed to by the parties.
- b. When the minor child attains the age of two years, the Respondent's parenting time shall be expanded to include one overnight visit per week. The overnight visits shall be from 10:00 a.m. on the day before the visit, until 12:00 p.m. on the day after the visit. The overnight visit shall replace the previously ordered Wednesday unless agreed otherwise by the parties.
- c. When the minor child attains the age of four years, the parenting time shall be adjusted to one weekday visit of eight hours every Wednesday and shall include every other Friday from 5:00 o'clock p.m., until Sunday at 12:00 o'clock p.m. In the event that the minor child is in school, the weekday visits shall be four hours in duration.

3. After the minor child's third birthday, each parent shall be allowed one week of uninterrupted vacation time with Joshua. The parents are to inform each other of their vacation intention by May 1st of each year.

4. Once the minor child enters first grade, the Respondent shall receive one mid-week visit of four hours after school, including an increase in weekend parenting time to after school on Friday, until Sunday at 5:00 o'clock

p.m. Summer parenting time shall include two separate weeks of uninterrupted time.

5. When the minor child enters second grade, the Respondent shall receive one overnight mid-week visit, beginning after school, until returning the child to school the following day. Weekend parenting time shall continue as previously ordered. Summer parenting time shall include three separate weeks of uninterrupted time.

6. Vacation time must be in writing and forwarded to the other parent by May 1st of each year. The parties shall provide each other with an emergency telephone number while on vacation.

7. The parties shall alternate major holidays consistent with the previous terms of this order and the report of the Guardian ad litem. Both parties shall be allowed reasonable telephone contact with the minor child. Holidays and special parenting time shall take precedence over regularly scheduled parenting. In all events, the parties shall arrange for parenting time to allow each of the parties access in alternate years for Thanksgiving Day, Christmas Eve, and Christmas Day.

8. In the event the parties are unable to resolve any dispute regarding the minor child, they shall submit the matter to a parenting time expeditor. The Court, upon the request of either party, shall appoint a parenting time expeditor, the costs of which shall be equally shared by the parties. It is expected that both parties will agree to make reasonable adjustments to the schedule to accommodate the needs of the child and changes in the parties

schedules. Neither party shall make any negative or disparaging remarks about the other in the presence of Joshua.

9. As and for child support, the Respondent shall pay to the Petitioner the sum of \$358.00 per month, payable on the 1st day of each month, commencing with the month in which the decree of dissolution is entered. Until that date, the provisions of the temporary order shall remain in full force and effect. The child support shall continue until said minor child attains the age of 18 (or age 20 if said child is still attending high school), or marries, joins the Armed Services of the United States, dies, or until further order of the Court, whichever first occurs.

10. As and for additional child support, pursuant to Minn. Stat. 518.551, commencing April 1, 2004, the Respondent shall contribute \$74.00 per month toward the costs of work or school related day care expenses for the parties' minor child. The Petitioner shall provide verification of said day care expenses to the Respondent on a monthly basis. Said day care expenses are not subject to cost-of-living adjustments. The Court reserves jurisdiction over the issue of child support and child care due to the uncertain nature of the parties' income at this time. Either party may move the Court for an amendment of support six months after the date of the Decree herein.

11. The child support and child care obligation shall be withheld directly from the Respondent's wages at Hartwig Transit, Inc., or other employer. The Respondent shall immediately arrange for the automatic withholding of his wages.

12. The Petitioner shall maintain in full force and effect, for the benefit of the minor child of the parties, the medical, hospitalization and dental insurance presently available to her. The parties shall equally share the cost of any medical insurance premiums and shall equally share all uninsured medical, hospitalization, dental, orthodontia expenses incurred on behalf of the minor child. Said expenses shall be paid equally by the parties as they become due and payable. In the future, whichever party has superior insurance coverage available through employment shall provide the major medical and hospitalization insurance available through his or her employment or educational institution for the benefit of the minor child. The parties shall equally divide the cost of providing such coverage for the minor child. Attached to this order are the Finplan computations used by the Court in determining the amount of support.

13. Neither party is awarded spousal maintenance from the other. Both parties have waived spousal maintenance from the other.

14. The Petitioner and the Respondent shall both be responsible for his or her own medical and dental insurance coverage.

15. The Respondent shall have the right to claim the minor child as an income tax exemption for federal and state income tax purposes for all odd ending years commencing with calendar year 2003. The Petitioner shall be entitled to claim the exemptions in all even numbered years. Both of the parties shall execute any and all documents necessary to effectuate this allocation of the income tax exemption pursuant to the Internal Revenue Code and applicable state statutes or regulations.

16. Each of the parties is awarded all personal property presently in their respective possessions, free from any claim of the other. Additionally, the Petitioner is awarded her grandmother's silver serving platters, which may be in the possession of the Respondent.

17. The Petitioner is awarded the 2000 Jeep Grand Cherokee and the 1997 Jeep Grand Cherokee, free from any claim of the Respondent. The Respondent is awarded all right, title, and possession of the 2000 Mitsubishi Gallant, free from any claim of the Petitioner. Each of the parties are awarded their bank accounts, IRA's, retirement benefits and life insurance policies free from any claim of the other.

18. Each of the parties shall pay and hold the other party harmless from any individual debts.

19. The Petitioner is awarded as her separate non-marital property, the sum of \$41,354.29, representing the balance of the loan owed by the Respondent to the Petitioner. Judgment shall be entered in favor of the Petitioner against the Respondent for said amount. The Petitioner is also awarded as her non-marital property, all funds held in escrow at Borden, Steinbauer & Krueger, P.A., as described in Paragraph 18 of the Findings of Fact.

20. The Petitioner is also awarded as and for a property settlement, the sum of \$873.00, representing one-half of the tax refund, and the sum of \$1,050.00, representing the supplemental child tax credit for Joseph and one-half of the supplemental child tax credit for Joshua, which amounts were

retained by the Respondent. Judgment shall be entered in the amount of \$1,923.00 in favor of the Petitioner against the Respondent.

21. Each of the parties shall pay his or her own attorney's fees, costs and disbursements incurred in this proceeding.

22. The Petitioner is restored to her former surname of DeJarnett, and hereinafter shall be known as Heather Laura DeJarnett.

23. The terms and contents of the attached Appendix A shall be made a part of this order.

24. Service of a copy of the final Judgment and Decree herein may be made upon the Petitioner's attorney, Virginia J. Knudson, at 302 South Sixth Street, P.O. Box 411, Brainerd, Minnesota 56401, by United States mail, and the same shall be in lieu of personal service upon the Petitioner. Service of a copy of the final Judgment and Decree herein may be made upon the Respondent's attorney, Richard A. Ohlsen, at 417 Laurel Street, P.O. Box 366, Brainerd, Minnesota 56401, by United States mail, and the same shall be in lieu of personal service upon the Respondent.

25. Richard A. Ohlsen shall no longer be the attorney of record for the Respondent effective 61 days from the date of entry of the Judgment and Decree herein. Virginia J. Knudson shall no longer be the attorney of record for the Petitioner effective 61 days from the date of the entry of the Judgment and Decree herein.

26. To implement the terms and provisions contained herein, each

of the parties shall make, execute and deliver to the other party instruments of conveyance, assignment and other documents as may be required. In the event either party fails to do so, the Judgment and Decree shall operate as said conveyance.

ORDER FOR JUDGMENT

THERE BEING NO JUST CAUSE FOR DELAY, LET JUDGMENT
BE ENTERED FORTHWITH AND ACCORDINGLY.

Dated at Brainerd, Minnesota, this 5th day of March, 2004.

By the Court,

STATE OF MINNESOTA
COUNTY OF CROW WING SS
I, Darrell M. Easke, Court Administrator in and for said County and State,
do hereby certify that the foregoing is a full and true copy of the original
remaining on file and on record in my office.
Dated the 5th day of March 20 04
Darrell M. Easke
Court Administrator Crow Wing County
By [Signature]
Deputy

[Signature]
RICHARD A. ZIMMERMAN
Judge of District Court

I hereby certify that the foregoing Conclusions of Law
constitute the Judgment and Decree of this Court,

Dated: 3-8-04

[Signature]
Deputy Court Administrator
Crow Wing County

In re **Robert C.J. Somers**

Case No. _____

Debtor

SCHEDULE I. CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status: Divorced	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP Son	AGE 1
EMPLOYMENT:		
Occupation	Truck Driver	SPOUSE
Name of Employer	Hartwig Transit Inc.	
How long employed	9 months	
Address of Employer	9329 Bernice Schiller Park, IL 60176	

INCOME: (Estimate of average monthly income)

Current monthly gross wages, salary, and commissions (pro rate if not paid monthly)

Estimated monthly overtime

SUBTOTAL

LESS PAYROLL DEDUCTIONS

a. Payroll taxes and social security

b. Insurance

c. Union dues

d. Other (Specify)

SUBTOTAL OF PAYROLL DEDUCTIONS

TOTAL NET MONTHLY TAKE HOME PAY

Regular income from operation of business or profession or farm (attach detailed statement)

Income from real property

Interest and dividends

Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above

Social security or other government assistance (Specify)

Pension or retirement income

Other monthly income

(Specify) **HW&P**

TOTAL MONTHLY INCOME

TOTAL COMBINED MONTHLY INCOME \$ **1,462.28**

DEBTOR

SPOUSE

\$ 1,613.21	\$ N/A
\$ 0.00	\$ N/A
\$ 1,613.21	\$ N/A

\$ 404.99	\$ N/A
\$ 0.00	\$ N/A
\$ 28.25	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 433.24	\$ N/A
\$ 1,179.97	\$ N/A

\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A

\$ 0.00	\$ N/A
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\$ 0.00	\$ N/A
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\$ 0.00	\$ N/A
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\$ 0.00	\$ N/A
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\$ 282.31	\$ N/A
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\$ 0.00	\$ N/A
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\$ 1,462.28	\$ N/A
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(Report also on Summary of Schedules)

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

In re **Robert C.J. Somers**

Case No. _____

Debtor

SCHEDULE J. CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

Rent or home mortgage payment (include lot rented for mobile home)	\$	300.00
Are real estate taxes included? Yes _____ No <u>X</u>		
Is property insurance included? Yes _____ No <u>X</u>		
Utilities: Electricity and heating fuel	\$	0.00
Water and sewer	\$	0.00
Telephone	\$	75.00
Other	\$	0.00
Home maintenance (repairs and upkeep)	\$	0.00
Food	\$	150.00
Clothing	\$	50.00
Laundry and dry cleaning	\$	25.00
Medical and dental expenses	\$	50.00
Transportation (not including car payments)	\$	210.00
Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	50.00
Charitable contributions	\$	0.00
Insurance (not deducted from wages or included in home mortgage payments)		
Homeowner's or renter's	\$	0.00
Life	\$	50.00
Health	\$	0.00
Auto	\$	90.00
Other	\$	0.00
Taxes (not deducted from wages or included in home mortgage payments) (Specify)	\$	0.00
Installment payments: (In chapter 12 and 13 cases, do not list payments to be included in the plan.)		
Auto	\$	0.00
Other Wells Fargo Credit Card	\$	30.00
Other	\$	0.00
Other	\$	0.00
Alimony, maintenance, and support paid to others	\$	358.00
Payments for support of additional dependents not living at your home	\$	0.00
Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	0.00
Other Day Care Expenses (court order)	\$	74.00
Other Child Safety Center Expenses	\$	100.00
TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)	\$	1,612.00

[FOR CHAPTER 12 AND 13 DEBTORSONLY]

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income	\$	N/A
B. Total projected monthly expenses	\$	N/A
C. Excess income (A minus B)	\$	N/A
D. Total amount to be paid into plan each _____ (interval)	\$	N/A

United States Bankruptcy Court
District of Minnesota

In re **Robert C.J. Somers**

Debtor(s)

Case No.

Chapter **7**

STATEMENT OF FINANCIAL AFFAIRS

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs.

Questions 1 - 18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 19 - 25. **If the answer to an applicable question is "None," mark the box labeled "None."** If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

DEFINITIONS

"In business." A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within the six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed.

"Insider." The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any owner of 5 percent or more of the voting or equity securities of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. § 101.

1. Income from employment or operation of business

None

☐

State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the **two years** immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE (if more than one)
\$8,192.48	2002 Employment Income Polar Air Cargo Inc. One Hundred Ocean Gate Long Beach, CA 90802
\$761.50	2002 Employment Income Airmotive Enterprises, Inc. 2405 Airport Road Northeast Brainerd, MN 56401
\$530.45	2003 Employment Income GMRI, Inc. P.O. Box 593330 Orlando, FL 32859
\$9,606.77	2003 Employment Income Hartwig Transit Inc. 9329 Bernice Schiller Park, IL 60176

AMOUNT
\$45.00

SOURCE (if more than one)
2003 Employment Income
Airmotive Enterprises, Inc.
16384 Airport Road Suite 8
Brainerd, MN 56401

\$300.50

2003 Employment Income
Polar Air Cargo Inc.
2000 Weschester Avenue
3rd Floor
Purchase, NY 10577

2. Income other than from employment or operation of business

None
☐

State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the **two years** immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT
\$15,210.00

SOURCE
MN Department of Economic Security
2002 Unemployment Benefits

\$3,063.00

MN Department of Economic Security
Unemployment Benefits

3. Payments to creditors

None
☒

a. List all payments on loans, installment purchases of goods or services, and other debts, aggregating more than \$600 to any creditor, made within **90 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS
OF CREDITOR

DATES OF
PAYMENTS

AMOUNT PAID

AMOUNT STILL
OWING

None
☒

b. List all payments made within **one year** immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR AND
RELATIONSHIP TO DEBTOR

DATE OF PAYMENT

AMOUNT PAID

AMOUNT STILL
OWING

4. Suits and administrative proceedings, executions, garnishments and attachments

None
☒

a. List all suits and administrative proceedings to which the debtor is or was a party within **one year** immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT
AND CASE NUMBER

NATURE OF PROCEEDING

COURT OR AGENCY
AND LOCATION

STATUS OR
DISPOSITION

None
☐

b. Describe all property that has been attached, garnished or seized under any legal or equitable process within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON FOR WHOSE
BENEFIT PROPERTY WAS SEIZED

DATE OF SEIZURE

DESCRIPTION AND VALUE OF
PROPERTY

Heather DeJarnett
f/k/a Heather Somers
1503 Juniper Unit D
Woodbury, MN 55123

Garnishment of Debtor's Employment Paycheck
\$135.80

5. Repossessions, foreclosures and returns

- None ☒ List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR OR SELLER	DATE OF REPOSSESSION, FORECLOSURE SALE, TRANSFER OR RETURN	DESCRIPTION AND VALUE OF PROPERTY
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6. Assignments and receiverships

- None ☒ a. Describe any assignment of property for the benefit of creditors made within **120 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF ASSIGNEE	DATE OF ASSIGNMENT	TERMS OF ASSIGNMENT OR SETTLEMENT
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- None ☒ b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CUSTODIAN	NAME AND LOCATION OF COURT CASE TITLE & NUMBER	DATE OF ORDER	DESCRIPTION AND VALUE OF PROPERTY
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7. Gifts

- None ☒ List all gifts or charitable contributions made within **one year** immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT
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8. Losses

- None ☒ List all losses from fire, theft, other casualty or gambling within **one year** immediately preceding the commencement of this case **or since the commencement of this case**. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

DESCRIPTION AND VALUE OF PROPERTY	DESCRIPTION OF CIRCUMSTANCES AND, IF LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS	DATE OF LOSS
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9. Payments related to debt counseling or bankruptcy

- None ☐ List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of the petition in bankruptcy within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT, NAME OF PAYOR IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
Richard A. Ohlsen, Ltd. 417 Laurel Street P.O. Box 366 Brainerd, MN 56401	November, 2003	\$750.00

10. Other transfers

- None ☒ List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR	DATE	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED
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11. Closed financial accounts

- None ☒ List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within **one year** immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF INSTITUTION	TYPE OF ACCOUNT, LAST FOUR DIGITS OF ACCOUNT NUMBER, AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING
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12. Safe deposit boxes

- None ☒ List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITORY	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY
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13. Setoffs

- None ☒ List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within **90 days** preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATE OF SETOFF	AMOUNT OF SETOFF
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14. Property held for another person

- None ☒ List all property owned by another person that the debtor holds or controls.

NAME AND ADDRESS OF OWNER	DESCRIPTION AND VALUE OF PROPERTY	LOCATION OF PROPERTY
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15. Prior address of debtor

- None ☐ If the debtor has moved within the **two years** immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

ADDRESS	NAME USED	DATES OF OCCUPANCY
7672 Buchite Road Fifty Lakes, MN 56448	Robert Somers	7/01/2001 to 9/01/2003

16. Spouses and Former Spouses

None



If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the **six-year period** immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

NAME

17. Environmental Information.

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites.

"Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law

None



a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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None



b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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None



c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

NAME AND ADDRESS OF GOVERNMENTAL UNIT	DOCKET NUMBER	STATUS OR DISPOSITION
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18. Nature, location and name of business

None



a. If the debtor is an individual, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partnership, sole proprietorship, or was a self-employed professional within the **six years** immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the **six years** immediately preceding the commencement of this case.

If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within the **six years** immediately preceding the commencement of this case.

If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within the **six years** immediately preceding the commencement of this case.

NAME	TAXPAYER I.D. NO. (EIN)	ADDRESS	NATURE OF BUSINESS	BEGINNING AND ENDING DATES
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- None ☐ b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

NAME

ADDRESS

The following questions are to be completed by every debtor that is a corporation or partnership and by any individual debtor who is or has been, within the **six years** immediately preceding the commencement of this case, any of the following: an officer, director, managing executive, or owner of more than 5 percent of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or otherwise self-employed.

*(An individual or joint debtor should complete this portion of the statement **only** if the debtor is or has been in business, as defined above, within the six years immediately preceding the commencement of this case. A debtor who has not been in business within those six years should go directly to the signature page.)*

19. Books, records and financial statements

- None ☐ a. List all bookkeepers and accountants who within the **two years** immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

NAME AND ADDRESS

DATES SERVICES RENDERED

- None ☐ b. List all firms or individuals who within the **two years** immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

NAME

ADDRESS

DATES SERVICES RENDERED

- None ☐ c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

NAME

ADDRESS

- None ☐ d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued within the **two years** immediately preceding the commencement of this case by the debtor.

NAME AND ADDRESS

DATE ISSUED

20. Inventories

- None ☐ a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

DATE OF INVENTORY

INVENTORY SUPERVISOR

DOLLAR AMOUNT OF INVENTORY
(Specify cost, market or other basis)

- None ☐ b. List the name and address of the person having possession of the records of each of the two inventories reported in a., above.

DATE OF INVENTORY

NAME AND ADDRESSES OF CUSTODIAN OF INVENTORY
RECORDS

21. Current Partners, Officers, Directors and Shareholders

- None ☐ a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

NAME AND ADDRESS

NATURE OF INTEREST

PERCENTAGE OF INTEREST

- None ☐ b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting or equity securities of the corporation.

NAME AND ADDRESS	TITLE	NATURE AND PERCENTAGE OF STOCK OWNERSHIP
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22 . Former partners, officers, directors and shareholders

- None ☐ a. If the debtor is a partnership, list each member who withdrew from the partnership within **one year** immediately preceding the commencement of this case.

NAME	ADDRESS	DATE OF WITHDRAWAL
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- None ☐ b. If the debtor is a corporation, list all officers, or directors whose relationship with the corporation terminated within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS	TITLE	DATE OF TERMINATION
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23 . Withdrawals from a partnership or distributions by a corporation

- None ☐ If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during **one year** immediately preceding the commencement of this case.

NAME & ADDRESS OF RECIPIENT, RELATIONSHIP TO DEBTOR	DATE AND PURPOSE OF WITHDRAWAL	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
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24. Tax Consolidation Group.

- None ☐ If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within the **six-year period** immediately preceding the commencement of the case.

NAME OF PARENT CORPORATION	TAXPAYER IDENTIFICATION NUMBER
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25. Pension Funds.

- None ☐ If the debtor is not an individual, list the name and federal taxpayer identification number of any pension fund to which the debtor, as an employer, has been responsible for contributing at any time within the **six-year period** immediately preceding the commencement of the case.

NAME OF PENSION FUND	TAXPAYER IDENTIFICATION NUMBER
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DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date June 10, 2004

Signature /s/ Robert C.J. Somers
Robert C.J. Somers
 Debtor

Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571